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**Human Rights Council**
**Twenty-fifth session**
Agenda item 4
**Human rights situations that require the Council's attention**

# Written statement* submitted by the Asian Legal Resource Centre, a non-governmental organization in general consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[17 February 2014]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.14-11273
*1411273*

Please recycle

# Thailand: Ten years without justice for Somchai Neelaphaijit

1. The Asian Legal Resource Centre (ALRC) wishes to raise grave concerns with the Human Rights Council about ongoing impunity in the case of the disappearance of Somchai Neelaphaijit in Thailand. On 12 March 2014, the tenth anniversary of Somchai's disappearance will pass without the perpetrators being held to account. During the past ten years, the Government of Thailand has obstructed the investigation and judicial processes, at times actively and at times through inaction. The ongoing failure to hold the perpetrators responsible has resulted in both a failure to secure justice for Somchai Neelaphaijit as well as the further consolidation of a broad culture of impunity for state violence and violations of human rights in Thailand.

2. Somchai Neelaphaijit was a noted lawyer and human rights defender. At the time of his enforced disappearance, Somchai was working on behalf of five men who had alleged that they were tortured by state security officials while they were in state custody in Narathiwat, one of the three southern-most Thai provinces, which has been under martial law since January 2004 and under emergency regulations since July 2005. On 11 March 2004, the day before his enforced disappearance, Somchai submitted a complaint to the National Human Rights Commission, the Royal Thai Police, and the Senate which detailed the forms of torture experienced by the five men. He argued that this was both a violation of their rights and the Criminal Code, which prohibits torture. He also spoke out publicly and passionately on the case, accusing the police of gross wrongdoing. On 12 March 2004, one day after he submitted complaint, five policemen pulled Somchai Neelaphaijit from his car on a main road in Bangkok. He has not been seen since then.

3. The very form of the crime of enforced disappearance often makes redress particularly difficult. In the case of the disappearance of Somchai Neelaphaijit, at every stage of the investigation, there was obfuscation by police officers, a lack of will by many inside the state (including at the highest level of the then-prime minister, Thaksin Shinawatra) to cooperate, and mishandling of evidence.
After a labyrinthine legal case and courageous struggle by his wife, Angkhana Neelaphaijit, his children, and many human rights activists, the five police officers who pulled him from his car ten years ago have no charges outstanding against them. Four of them are known to be living outside prison. Uncertainty surrounds the whereabouts of Police Major Ngern Thongsuk, the only one of the five to be convicted (of coercion) by the Court of First Instance on January 12, 2006. He was immediately granted bail for the term of the appeal. Under conditions which remain unclear, he allegedly disappeared following a mudslide in September 2008. On March 11, 2011, the conviction of Police Major Ngern Thongsuk was overturned and the judgment of innocence of the four other involved police officers was upheld by the Appeal Court.

4. In particular, the lack of the category of disappearance as a crime within Thai criminal law has created a series of obstacles at each stage of the judicial process. At this time, the Court of First Instance and the Appeal Court have made rulings in the case, and it is currently under examination by the Supreme Court.

a. Under evidentiary rules in the Thai Criminal Procedure Code, without a body – which could never be located – a murder charge cannot be levied. Therefore, the involved police officers were charged and prosecuted for theft (of Somchai's vehicle) and coercion. Only one police officer out of five was found guilty by the Court of First Instance in January 2006. However, additional evidentiary problems led to his acquittal by the Appeal Court in March 2011.

b. In addition, in their ruling in this case, the Appeal Court dispossessed the rights of victims and families to seek accountability. In the case against the perpetrators, Angkhana Neelaphaijit and her children were joint plaintiffs with the public prosecutor. Under the Criminal Procedure Code, families can act on behalf of injured or dead person. The Appeal Court ruled that in this case, there was not sufficient proof that Somchai Neelaphaijit was dead, and therefore his family could not act on his behalf. In other words, the lack of the category of enforced disappearance within Thai law has made it incredibly difficult to hold the perpetrators accountable for their crimes. At present, the case is being examined by the Supreme Court.

5. The Department of Special Investigation (DSI), a special elite government investigation unit, is the one responsible for the case of the disappearance of Somchai Neelaphaijit. The DSI has often seemed to actively obstruct the struggle for justice in this case. This has included the mishandling of evidence, a lack of interest in pursuing the investigation, and the failure to provide proper witness protection to Angkhana Neelaphaijit, Somchai's wife. In late

2013 and early 2014, the DWI engaged in a series of actions which suggested that there is an intensified lack of will inside the state to continue the search for justice in this case.

a. The first of these actions was a bizarre announcement by the DSI that the case file had been stolen, and then its speedy recovery. In December 2013, Niran Adulayasak, Director of DSI Special Criminal Case Office 1 made a statement in a news report on Thai PBS television that when members of the protests by the anti-government People's Democratic Reform Council broke into his building, they went to the cabinet containing the file of Somchai's case and removed it from the premises. Several days later, following criticism by the AHRC, Human Rights Watch, and other human rights advocates, Niran made a second statement in a news report on Thai PBS television that the file had been found in a corner of a steel cabinet.

b. During the same second news report, Niran announced that he planned to consult the prosecutor of special litigation to terminate investigation into the disappearance of Somchai Neelaphaijit in January 2014. At present, there has been no announcement from Niran himself, the DSI, or the Government of Thailand regarding whether or not the investigation will continue.

A decision to end the investigation will result not only in yet another obstacle to justice in this case, but will make it impossible.

6. Over two years ago, on 9 January 2012, the Thai Government signed the UN International Convention for the Protection of All Persons from Enforced Disappearance. To date, the convention has not been ratified nor has domestic law making disappearance a distinct crime moved forward in Thailand. The lack of a formal legal and investigatory framework accounting for disappearance in Thailand is part of what has caused the series of difficulties in the court case regarding Somchai Neelaphaijit's disappearance and what makes it possible for the DSI to arbitrarily announce that they plan to halt the investigation into his disappearance.

7. The Asian Legal Resource Centre is aware that ratification of the Convention will entail significant changes to both national law and the routine practices of law enforcement and the judiciary. However, these changes are necessary in order to combat impunity in the cases of the disappearance of Somchai Neelaphaijit, and in the cases of 59 other persons disappeared between 2001 and 2012 documented by the Justice for Peace Foundation.

8. In particular, the Asian Legal Resource Centre would like to remind the Government of Thailand of three crucial articles contained in the Convention:

a. Article 3 of the Convention mandates that, "Each State Party shall take appropriate measures to investigate acts defined in article 2 committed by persons or groups of persons acting without the authorization, support or acquiescence of the State and to bring those responsible to justice." It is clear that under the Convention, rather than curtailing the investigation into Somchai Neelaphaijit's disappearance, the DSI and other relevant agencies should recommit themselves to securing the truth and justice.

b. Article 4 of the Convention mandates that, "Each State Party shall take the necessary measures to ensure that enforced disappearance constitutes an offence under its criminal law." Either the amendment of the Thai Criminal Code or the passage of a separate law providing for the category of enforced disappearance is essential in order to facilitate the full criminal and judicial investigation can be carried out in cases of disappearance and to ensure that the relatives of victims are not dispossessed of their right to seek justice for their loved ones.

c. Article 5 of the Convention mandates that, "The widespread or systematic practice of enforced disappearance constitutes a crime against humanity as defined in applicable international law and shall attract the consequences provided for under such applicable international law." Given the significant number of disappearances documented in Thailand, and which may only represent a fraction of the total number of disappearances, the Government of Thailand should be mindful of the gravity of the crime.

As the Government of Thailand has not ratified the Convention, they are not legally bound to adhere to these articles. However, the delay in ratification should not be taken as permission to flagrantly disregard the spirit and proscriptions of the Convention.

9. The Asian Legal Resource Centre would like to mark the tenth anniversary of the disappearance of Somchai Neelaphaijit and call attention to the urgency of action for justice in his case and those of other disappeared in Thailand by sharing part of a recent article published in the Bangkok Post in January 2014 by Angkhana Neelaphaijit, Somchai's widow and the chairperson of the Justice for Peace Foundation. In the article, Angkhana spoke of her husband's struggle and death, Angkhana and her children discussed her husband's life, ideas, and the years since his disappearance. She wrote: "Over the past 10 years, I have tried hard to reach for justice. But it is getting even harder given the situation. I have been through many things in my life, sorrow, disappointment and hardship, but nothing has warranted such extensive use of knowledge, patience and tolerance like this time. In many instances, my petitions for help have been turned down by the powers-that-be. It looms as an insurmountable obstacle for an ordinary person like me to reach out for justice and the rule of law in Thailand. No one knows how painful and traumatic the experience can be to bear witness to the fact that a person who had done so much for so many people cannot even be bestowed with a graveyard where his descendants could hold a service in memory of him."

10. In view of the above and in line with the principles for the protection and promotion of human rights through action to combat impunity, the Asian Legal Resource Centre calls on the UN Human Rights Council to:

a. Call on the Government of Thailand ensure that the Department of Special Investigation keeps the investigation into the disappearance of Somchai Neelaphaijit open until the truth has been firmly and publicly established.

b. Call on the Government of Thailand to ratify the International Convention for the Protection of All Persons from Enforced Disappearance

c. Request that the Working Group on Enforced or Involuntary Disappearances continue to monitor the case of Somchai Neelaphaijit and other cases of disappearance in Thailand.

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**Human Rights Council**
**Twenty-fifth session**
Agenda item 3
**Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development**

# Written statement* submitted by the Asian Legal Resource Centre, a non-governmental organization in general consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[17 February 2014]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Please recycle

# Thailand: Legal and extralegal threats to freedom of expression

1. The Asian Legal Resource Centre (ALRC) wishes to raise grave concerns about the intensification of legal and extralegal threats to freedom of expression in Thailand. Carried out in the name of protecting the monarchy, this range of threats constitutes the entrenchment of the normalization of the violation of human rights and curtailment of freedom of expression. This statement is the eighth on this topic that the ALRC has submitted to the Council since May 2011. During the seventeenth session of the Council in May 2011, the ALRC highlighted the rise in the legal and unofficial use of Article 112 of the Criminal Code and the 2007 Computer Crimes Act (CCA) to constrict freedom of expression and intimidate citizens critical of the monarchy (A/HRC/17/NGO/27). During the nineteenth session in February 2012, the ALRC detailed some of the threats faced both by those who have expressed critical views of the monarchy, both legal and extralegal, as well as those who have expressed concern about these threats (A/HRC/19/NGO/55). During the twentieth session in June 2012, the ALRC raised concerns about the weak evidentiary basis of convictions made under Article 112 and the CCA (A/HRC/20/NGO/37) and the concerning conditions surrounding the death in prison custody of Amphon Tangnoppakul on 8 May 2012, then serving a 20-year sentence for four alleged violations of Article 112 and the CCA (A/HRC/20/NGO/38). During the twenty-second session in March 2013, the ALRC highlighted the January 2013 conviction under Article 112 of human rights defender and labour rights activist Somyot Prueksakasemsuk (A/HRC/22/NGO/44). During the twenty-third session in June 2013, the ALRC emphasized the regularization of the crisis of freedom of expression, and noted that constriction of speech had become constitutive of political and social life in Thailand (A/HRC/23/NGO/42). During the twenty-fourth session in October 2013, the ALRC emphasized the dangers of the normalization of the violation of human rights in the name of protecting the monarchy (A/HRC/24/NGO/35).

2. Over the course of the prior seven statements, the ALRC first noted with surprise the active use of measures to constrict speech, then tracked the expansion of this use, and finally, the entrenchment of the foreclosure of freedom of speech. The ALRC is again raising the issue of freedom of expression with the Council because the law has continued to be actively used to violate the right to freedom of expression and extralegal threats to freedom of expression, and human rights broadly, have emerged in Thailand. In the statement submitted to the Council in October 2013, the ALRC warned that the routine denial of bail and the use of vague references to national security to attempt to legitimize the violation of the human rights of those with dissident views had become normalized. In this statement, the ALRC wishes to alert the Human Rights Council to ongoing developments that indicate the urgency, and growing difficulty, of addressing the crisis of freedom of expression in Thailand.

3. There are two primary laws that are used to both legally constrict freedom of speech in Thailand and create a broad climate of fear for those who hold dissenting opinions. Article 112 of the Criminal Code criminalizes criticism of the monarchy and mandates that, "Whoever defames, insults or threatens the King, Queen, the Heir-apparent or the Regent, shall be punished with imprisonment of three to fifteen years." The 2007 Computer Crimes Act (CCA), which was promulgated as part of Thailand's compliance as a signatory to the United Nations Convention Against Transnational Organized Crime, has been used to target web editors and websites identified as critical of the monarchy or dissident in other ways. The CCA provides for penalties of up to five years per count in cases that are judged to have involved the dissemination or hosting of information deemed threatening to national security, of which the institution of the monarchy is identified as a key part. While Article 112 has been part of the Criminal Code since the last major revision in 1957, available statistics suggest that there has been a dramatic increase in the number of complaints filed since the 19 September 2006 coup; how often these complaints become formal charges and lead to prosecutions is information that the Government of Thailand has continuously failed to provide up to the present. The CCA has often been used in combination with Article 112 in the seven years since its promulgation; similar to the use of Article 112, the Government of Thailand has not made complete usage information available. This failure to make information public about the frequency and conditions of use of both laws creates fear and diminishes the space for freedom of expression through the use of secrecy and creation of uncertainty.

4. In addition to the continued use of the law to constrict speech, recent events indicate that there is an increase in the potential for extralegal violence against those who hold dissident views. During the statement submitted to the nineteenth session (A/HRC/19/NGO/55) in March 2012, the ALRC warned the Council about the threats made against members of the Khana Nitirat, a group of progressive legal academics at Thammasat University who proposed reform

of Article 112. In response, hundreds of threats were posted online against the group, calling for the members to be attacked, killed, beheaded, and burned alive. Subsequently, one of the members of the group, Professor Worachet Pakeerut, was assaulted outside his office at Thammasat by two young men who later told the police that they attacked him because they disagreed with his ideas.

5. On February 12, 2014, an attack on another progressive academic, Professor Somsak Jeamteerasakul, a history professor at Thammasat University and outspoken political and cultural critic, indicates a renewed increase in the permissive climate for extralegal intimidation and violence of those who hold dissenting opinions. Two assailants fired repeated gunshots at the home and car of Professor Somsak. Although he did not sustain any physical injuries, the damage to his car and house indicate that the violence was intended to be deadly. The attack took place during the day, while Professor Somsak was at home, which lends further credence to the idea that the perpetrators intended to inflict harm or death and that they were unconcerned with being seen.

6. Professor Somsak Jeamteerasakul's writing and teaching have inspired many students and citizens to carefully examine the past, present, and persecution of the powerless by the powerful in Thailand. His criticism often makes those in power uncomfortable, and there has been an attempt to use Article 112 to curtail his speech. In April 2011, a police investigation began against him in relation to a complaint likely made in relation to comments he made in article about a Princess Chulabhorn's (one of the daughters of the current Thai king) appearance on a talk show. This case is still ongoing, even though Article 112 does not apply to Princess Chulabhorn, and so there is no legal restriction of comments made about her. In early February 2014, the deputy spokesman of the Royal Thai Army commented that the Army plans to file additional complaints of violations of Article 112 against Professor Somsak in relation to comments he posted on the social media website Facebook.

7. The ALRC is particularly concerned that the violent attack on Professor Somsak has come so close following the comments of the deputy spokesman of the Royal Thai Army regarding further proceedings under Article 112 against him. While the identities and motivations of the attackers remain unknown pending police investigation, the temporal link to the formal and legal action taken against him by the Royal Thai Army is striking. In addition, given the severe polarization in Thai society which began when the protracted protests against the elected government began in November 2013, this extralegal attack on Professor Somsak is a further indication of the ongoing breakdown of the rule of law in Thailand.

8. The ALRC would like to remind the Thai government that they are a state party to the International Covenant on Civil and Political Rights (ICCPR) and are bound to uphold the human rights principles named therein. In particular, the ALRC would like to call on the Thai state to uphold Article 19 of the ICCPR, in particular, paragraph 1, which guarantees that, "Everyone shall have the right to hold opinions without interference," and paragraph 2, which guarantees that, "Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice." It is imperative that the Thai state's protection of the rights guaranteed in Article 19 and the remainder of the ICCPR be active, rather than passive. Upholding the ICCPR necessarily entails protecting those whose views are dissident and ensuring that they can safely exercise their political freedom. Failure to do so will signal to vigilante actors that attacking those who hold different views are acceptable within the Thai polity.

9. The ALRC would also like to remind the Government of Thailand that under Article 19 of the ICCPR, restrictions on the right to freedom of expression are only permissible under two circumstances: "for respect of the rights or reputations of others" and "for the protection of national security or of public order (ordre public), or of public health or morals." Although Article 112 is classified as a crime against national security within the Criminal Code of Thailand, and this, along with the need to protect the monarchy, is frequently cited by the Government of Thailand when faced with the criticism that the measure is in tension with the ICCPR, a precise explanation of the logic for categorizing the measure as such has not been provided to date. Until this explanation is provided, the constriction of freedom of expression is arbitrary and contributes to a climate hostile to human rights.

10. The ALRC is gravely concerned about the ongoing legal and extralegal threats to freedom of expression in Thailand, and their effects on human rights, justice, and the rule of law in Thailand. The intensification of extralegal

threats to dissenting citizens' rights and lives as indicated by the February 2014 attack on Professor Somsak Jeamteerasakul represents a new point of crisis in the longstanding climate of constriction of political freedom in Thailand.

11. In view of the above, the Asian Legal Resource Center calls on the UN Human Rights Council to:

a. Call on the Government of Thailand to ensure that a full investigation into the attack on Professor Somsak Jeamteerasakul is carried out and bring the men who shot at his house and car to justice.

b. Call on the Government of Thailand to release all those convicted or facing charges under Article 112 and the 2007 Computer Crimes Act. At a minimum, those currently being held should immediately be granted bail while their cases are in the Criminal or Appeal Courts.

c. Demand that the Government of Thailand revoke Article 112 of the Criminal Code and the 2007 Computer Crimes Act.

d. Urge the Government of Thailand to allow and support the full exercise of freedom of expression and political freedom, consistent with the terms of the Universal Declaration of Human Rights, to which it is a signatory, and the International Covenant on Civil and Political Rights, to which it is a state party.

e. Request the Special Rapporteur on the freedom of opinion and expression to continue ongoing monitoring and research about the broad situation of constriction of rights and individual cases in Thailand; and, the Working Group on Arbitrary Detention to continue to monitor and report on those cases of persons arbitrarily detained under Article 112.

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**Human Rights Council**
**Twenty-fifth session**
Agenda item 7
**Human rights situation in Palestine and other occupied Arab territories**

# Joint written statement* submitted by the International Youth and Student Movement for the United Nations, a non-governmental organization in general consultative status; BADIL Resource Center for Palestinian Residency and Refugee Rights, Habitat International Coalition, the Union of Arab Jurists, non-governmental organizations in special consultative status; Mouvement contre le racisme et pour l'amitié entre les peuples, non-governmental organization on the roster

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

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# Ongoing forced displacement and dispossession of the Palestinian people*

BADIL Resource Center, on behalf of 15 Palestinian and international human rights organisations, would like to address the pressing issue of ongoing forced displacement and dispossession of the Palestinian people.

Israel defines itself as a Jewish state and conditions its existence upon the maintenance of a Jewish majority. Indeed, the Zionist movement that established Israel in 1948 combined Jewish nationalism with the colonial practice of transplanting people, mostly from Europe, into Palestine with the support of European colonial powers. For the past 66 years, Israel has continued its practice of settler implantation and the removal of indigenous Palestinians in a policy that amounts to forced population transfer.

Forced population transfer has been defined as the "systematic, coercive and deliberate ... movement of population into or out of an area ... with the effect or purpose of altering the demographic composition of a territory, particularly when that ideology or policy asserts the dominance of a certain group over another."[1]

Not limited to the occupied Palestinian territory, the Israeli system also targets Palestinians residing on the Israeli side of the 1949 Armistice Line (known as the Green Line) and millions of Palestinian refugees living in forced exile while promoting Jewish-Israeli settlement implantation to the expropriated land. As such, the Palestinians, wherever they reside, are collectively exposed to one system composed of institutionalized discrimination, prolonged military occupation, and colonization.

That structure discriminates against Palestinians in areas such as nationality, citizenship, denial of reparation (return, restitution and compensation), residency rights, and land ownership. This system originated in 1948 in order to dominate and dispossess all forcibly displaced Palestinians along with the 150,000 Palestinians who were able to remain within the "Green Line" and who became citizens of Israel. The occupation of the remaining part of Palestine by Israeli forces in 1967 subjected the Palestinians living within that territory to the same discriminatory system.[2]

The creation of a Jewish nation state in a land with a small Jewish minority could only be achieved by forcibly displacing the indigenous population and implanting Jewish settlers from abroad. Accordingly, the manifestation of Israel's ideology is forced population transfer. Forced population transfer has been defined as a practice or policy that has the purpose or effect of moving persons into or out of an area—either within or across an international border and it might be carried out en masse, or as "low-intensity transfers" affecting a population gradually or incrementally.

Forced population transfer is illegal and has constituted an international crime since the Allied Resolution on German War Crimes, adopted in 1942. The strongest and most recent codification of the crime is in the Rome Statute of the International Criminal Court, which clearly defines the forced transfer of population and implantation of settlers as war crimes.

Already, 66% of seven million Palestinians worldwide have been displaced by Israel's ongoing forced displacement policy.[3] Today, this population transfer is carried out by Israel in the form of its overall policy of "silent" transfer—not by mass deportations like in 1948 or 1967. This displacement is silent in the sense that Israel carries it out while trying to avoid international attention by displacing small numbers of people on a weekly basis.[4]

Palestinians struggle to acquire and retain their rights undermined by Israel's policy of forced transfer. Any attempts at resolving the conflict between Israel and the Palestinians requires addressing the imbalance of power and resulting rights-refusal with special attention to the most egregious and unaccounted practices: namely, the Israeli policy of forced transfer. Thus, a rights-based approach responds to the root causes of the conflict between Israel and the Palestinians while a humanitarian emergency aid approach addresses the outcomes of illegal Israeli practices rather than their implementation. In pursuit of a sustainable and just peace, a rights-based approach draws on international law and the principle of justice and equality for all. A human rights-based approach requires:

1. Recognition of rights, in particular the Palestinian people's right to self determination, the right of refugees and internally displaced persons to reparation (voluntary return, property restitution and compensations), the right to development (to freely dispose and enjoy the natural wealth and resources and cultural heritage) and the right to peace[5];

2. Addressing the root causes of the conflict: namely colonialism, institutionalized discrimination and prolonged military occupation. These are the dynamic foundations for a range of human rights violations, such as the denial of displaced people's right of return and reparation, land confiscation, settlement expansion, home demolitions, restrictions on freedom of movement and so forth;

3. Ensuring equal exercise of legal rights for all parties and redress for victims without discrimination and without violating the rights of or causing harm to other parties;

4. Setting the foundations for peaceful and cooperative relations between peoples, groups, individuals and states. Such a foundation will be an intrinsic component to a just peace and is essential for reconciliation, which in turn will be achieved through implementing transitional justice (both judicial and non-judicial) mechanisms, including criminal prosecution, reparations, institutional reforms and truth commissions.

The undersigned organizations urge the Human Rights Council to:

- Investigate Israel's policy of forced population transfer of the Palestinian people through direct and indirect means and practices, which possibly amount to international crimes (Art. 49 (1), Art. 147 of GCIV, Art. 85 of its additional protocol and Art. 7 of the Rome Statute);
- Study and address the root causes of the ongoing forced displacement of Palestinians by the state of Israel on both sides of the Green Line: inside Israel proper and the occupied Palestinian territory;
- Identify the parties responsible and liable for the ongoing practice of population transfer;
- Develop and implement effective mechanisms and measures in accordance with a human rights-based approach to bring the state of Israel into compliance with international law;
- Recommend practical steps to ensure that all Member States respect their erga omnes obligations and refrain from recognizing, transacting with and/or providing support to parties engaged in Israeli population transfer policies and denial of the Palestinian people's right to self-determination.[6]

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*The Occupied Palestine and Golan Heights Advocacy Initiative, Defence for Children International - Palestine Section, Alternative Information Center, Joint Advocacy Initiative, NGO(s) without consultative status, also share the views expressed in this statement.

[1] "The Human Rights Dimensions of Population Transfer including the Implantation of Settlers," Preliminary Report prepared by A.S. al-Khawasneh and R. Hatano, Commission on Human Rights Sub-Commission on Prevention of Discrimination and Protection of Minorities, Forty-fifth Session, 2–27 August 1993, E/CN.4/Sub.2/1993/17, 6 July 1993, paras.15 and 17.
[2] See BADIL Resource Center, Israeli Land Grab and Forced Population Transfer of Palestinians (Bethlehem, Palestine, 2013).
[3] See BADIL Resource Center, Survey of Palestinian Refugees and Internally Displaced Persons, 2010–2012 (Bethlehem, Palestine, 2012)
[4] See Amjad Alqasis, "The Ongoing Nakba - The Continuous Forced Displacement of The Palestinian People," al-Majdal Quarterly Magazine of BADIL Resource Center, Issue no. 50 Autumn 2012.
[5] See "Report of the Human Rights Council Advisory Committee on the right of peoples to peace," A/HRC/20/31, 16 April 2012, at: http://daccess-ods.un.org/access.nsf/Get?Open&DS=A/HRC/20/31&Lang=E.
[6] Tom Moerenhout, "The Obligation to Withhold from Trading in Order Not to Recognize and Assist Settlements and their Economic Activity in Occupied Territories," Journal of International Humanitarian Legal Studies, Vol. 3, No. 2 (2013), pp. –Joseph Schechla, "Implementing States' Obligations to Combat Population Transfer," al-Majdal No. 53 (summer 2013), 13–17, at: http://www.badil.org/en/al-majdal/item/1936-art4; "Follow-up to the report of the independent international fact-finding mission to

investigate the implications of Israeli settlements on the civil, political, economic, social and cultural rights of the Palestinian people throughout the Occupied Palestinian Territory, including East Jerusalem", A/HRC/22/L.45, 19 March 2013, operational paragraph 1; "Report of the independent international fact-finding mission to investigate the implications of the Israeli settlements on the civil, political, economic, social and cultural rights of the Palestinian people throughout the Occupied Palestinian Territory, including East Jerusalem," A/HRC/22/63, 7 February 2013, para. 17; Legal Consequences of the Construction of the Wall in the Occupied Palestinian Territory (Advisory Opinion) ICJ Rep 2004, para. 159; L. Boisson and L. Condorelli, "Common Article 1 of the Geneva Conventions Revisited: Protesting Collective Interests" International Review of the Red Cross, 837 (2000); General Assembly resolution "The situation in the Middle East," A/37/123, 16 December 1982, para. 16; Report of the Security Council Commission established under resolution 446 (1979), document S/14268, p. 47.